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Category III

# International arrangements and mechanisms to promote the management, conservation and sustainable development of all types of forests

Note by the Secretariat

SUMMARY

This note focuses on the substantive elements of international arrangements and mechanisms to promote the management, conservation and sustainable development of all types of forests. It describes some of the numerous existing arrangements and mechanisms with components relevant to forests and/or which contain forest-related substantive elements on which there is consensus. The Forest Principles and the conclusions and proposals for action of the Ad Hoc Intergovernmental Panel on Forests and of the Forum are the most holistic examples.

The mandate for IFF category III comprises three steps: identify possible elements, work towards consensus and engage in further action.

The note seeks guidance from the Forum in the preparation of the report that will be the basis for substantive discussion on category III at its third session. It also notes the offer by the Government of Costa Rica to host an initiative on this category in early 1999.

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# I. MANDATE AND SCOPE

## A. Mandate

1. The Intergovernmental Forum on Forests (IFF) decided at its first session that the discussion of category III would be guided by the following mandate:

> "Identify elements, build a global consensus and engage in further action. The Forum should also identify the possible elements of and work towards a consensus on international arrangements and mechanisms, for example, a legally binding instrument on all types of forests. The Forum will report on its work to the Commission on Sustainable Development in 1999. Based on that report and depending on the decision taken by the Commission at its eighth session, the Forum will engage in further action on establishing an intergovernmental negotiation process on new arrangements and mechanisms or a legally binding instrument on all types of forests."[1]

## B. Scope

2. This note was prepared to facilitate background discussion by IFF at its second session and to seek guidance from IFF in preparation of the report that will be the basis for substantive discussion at its third session.

3. It provides a brief review of international deliberations on forests over the past decade and of the discussions related to this category which took place in the Ad Hoc Intergovernmental Panel on Forests (IPF). It focuses on the substantive elements of international arrangements and mechanisms; it does not identify structural elements, such as obligations, definitions, protocols, subcommittees or procedures (which are often an integral part of legally binding instruments). Annex I lists some existing arrangements and mechanisms, and annex II lists the substantive elements in three legally binding instruments.

4. The elements presented in this note are primarily drawn from the Forest Principles[2] and the programmes of work of the Panel and IFF, which collectively, represent current consensus on priority areas of international concern.

# II. BACKGROUND

## A. International deliberations on forests

5. Forests have been a major focus of international policy debate during the past decade. They were a contentious and sensitive issue in the deliberations leading up to and during the United Nations Conference on Environment and Development. The three-year period following the Conference, on the other hand, was a time of North/South confidence-building. It saw the launching of important and ground-breaking country-led initiatives, including the Conference on Global Partnerships in Forests, sponsored by Indonesia; the Malaysia/Canada Initiative, the India/United Kingdom Initiative, and several regional processes on criteria and indicators for sustainable forest management. At its third session, in 1995, the Commission on Sustainable Development reinitiated

intergovernmental deliberations on forests when it reviewed the Forest Principles and chapter 11 of Agenda 21,[3] "Combating deforestation". The result of that review was the establishment of the Ad Hoc Intergovernmental Panel on Forests, with a two-year mandate for its programme of work.

6. Programme element V.2 of the programme of work of the Panel focused on international organizations and multilateral institutions and instruments. The mandate of the programme element called for consideration of and advice on the need for other instruments or arrangements for implementation of the Forest Principles. The Panel scheduled discussions on programme element V.2 for its third session. In the limited time available, it was able to discuss only the form that potential instrument or arrangement might take - legally binding or non-legally binding - and not the substantive elements. The conclusions and proposals for action of the Panel at the conclusion of its work resulted in the establishment of IFF, for continued intergovernmental forest policy dialogue. At its nineteenth special session, the General Assembly decided that the Forum should identify the elements of and work towards consensus on international arrangements and mechanisms.

## B. The international forest policy agenda

7. Forests have emerged as a priority issue on national, regional and international policy and political agendas. That emergence has been precipitated by concerns associated with:

(a) The alarming rate of deforestation and the degradation and decline of forests and other wooded lands, with a resultant loss of environmental values;

(b) The ability to ensure that future demand for forest products, services and environmental benefits will be met in a sustainable manner;

(c) Actions that benefit from unsustainable forestry practices and constraints in international trade and forest products;

(d) Inadequate coordination and integration of cross-sectoral, forest-related action at the global, regional and national levels.

8. There now exists broad consensus on the principles of and overarching approaches to sustainable forest management. The United Nations Conference on Environment and Development and the Panel's proposals for action reaffirmed the rights of countries to manage and utilize their forests to meet their national priorities and policy objectives. Consensus also exists on the need to manage forests and other wooded lands as ecosystems and to develop and implement national forest programmes as tools for cross-sectoral policy harmonization and international cooperation.

9. To derive multiple benefits from the sustainable management of forests and other wooded lands will require strong political commitment, the participation of a range of interest groups and beneficiaries and recognition of the transboundary, regional and global dimensions of the consequences of forest management. Consequently, approaches to sustainable forest management must

reconcile national priorities and international considerations, at the transboundary, regional and global levels and be applied in the context of the economic, social, environmental and political realities and priorities of individual countries or regions.

10. Forests have multiple constituencies, with both complementary and conflicting interests. At present a range of special-interest groups, institutions and instruments interface with forests at the national, regional and global levels. All have a narrow perspective of their goals, focusing on specific functions and outputs (i.e., "demands") of forests, such as biological diversity, carbon sequestration, trade in endangered species, international trade in certified forest products etc. Lacking the holistic perspective of management, conservation and sustainable development of all types of forests, the forest agenda lacks a cohesive and comprehensive implementation framework and does not adequately address the fundamental need to maintain the health and productive capacity of forest ecosystems as a whole and thereby to ensure that the conditions in which forests can sustainable "supply" a wide range of functions and outputs are present.

11. The Intergovernmental Forum on Forests faces the challenge of consolidating and building on the present consensus on forests, formulating a unified framework and identifying possible elements of an international arrangement or mechanism - for example, a legally binding instrument - that would govern the management, conservation and sustainable development of all types of forests.

## III. IDENTIFICATION OF POSSIBLE SUBSTANTIVE ELEMENTS

12. Legally binding and non-legally binding arrangements and mechanisms differ in terms of the degree of obligation and intent. A legally binding instrument (e.g., treaty, convention) usually entails legal obligations on the part of the countries that are parties to it (those that have signed and ratified it). Non-legally binding instruments (e.g., action plans, processes or principles, such as the Forest Principles[2]) reflect political commitment and endorsement by countries. From a legal point of view, the two are difficult to compare. The real effectiveness of either type of instrument ultimately depends on the level of political will and commitment of the countries concerned.

### A. Existing arrangements and mechanisms with forest-related components

13. There are numerous arrangements and mechanisms, legally binding and non-legally binding, which contain forest-related substantive elements on which there is consensus. A listing of such agreements and instruments can be found in annex I below and in the report of the Secretary-General on IFF programme element II.e(ii), "Forest-related work under existing instruments", (E/CN.17/IFF/1998/11), which also contains descriptions and short assessments.

14. All arrangements and mechanisms contain elements addressing specific concerns. Substantive elements drawn from three legally binding instruments relevant to forests - namely, the Central American Convention on Forests; the

Convention on Biological Diversity; and the International Tropical Timber Organization - are listed in annex II. In these three instruments, the elements reflect obligations by parties. In some cases, subsidiary programmes established by participating countries are not reflected in the annex.

15. There are also several non-legally binding international, regional, local, non-governmental and private initiatives that are worth mentioning in this context. These include the certification initiatives, the criteria and indicator processes, sustainable forest management initiatives by the forest industry in some countries, and standard-setting efforts. These initiatives are either specifically aimed at forests or contain components relevant to forests and also contain substantive elements that could be useful in a discussion on forests at the international level. The elements reflect collective endorsement and stated will by the countries concerned, but have no legally binding obligations.

16. Forest-specific arrangements and mechanisms at the international level, notably the Forest Principles and the Panel's proposals for action, are not legally binding, but they are the most holistic so far, reflect negotiated agreement and consensus at the international level and contain elements that provide a useful basis for discussions on category III.

## B. Framework and possible elements

17. This section provides the Forum with a starting point for engaging in the three steps outlined in the mandate for category III and proposes options on how to proceed. It is meant to solicit comments and guidance from the Forum.

18. In the note by the Secretariat on IFF programme element I.b on Monitoring progress in implementation of the Panel's proposals for action (E/CN.17/IFF/1998/6), it is suggested that one basis for a framework might be economic and social development and environmental protection, on the one hand, or management, conservation and sustainable development of all types of forests, on the other, or a mix of both. For monitoring, reviewing and reporting, it is suggested that the former be used, with an additional component "Institutions and policy instruments".

19. Another option would be to cluster possible elements to reflect economic, social and environmental functions and values. It, too, would need an additional component reflecting institutions and policy instruments. (A third option is the mix of the two other options.) Examples of possible elements under the first two options can be found below. (It should be noted that the elements are not exclusive to any particular option.)

OPTION 1. Management, conservation and sustainable development

Management

- Criteria and indicators
- Rehabilitation of fragile ecosystems
- Reforestation and afforestation

Conservation

- Forest conservation and protection
- Soil and water conservation
- Carbon storage and sequestration

Sustainable development

- Valuation of multiple benefits
- Forest investment
- International trade in forest products and services

OPTION 2. Economic, social and environmental functions and values

Economic functions and values

- International trade in forest products and services
- Goods and services provided by forests

Social functions and values

- Participation in decision-making
- Traditional use
- Rights and responsibilities of communities living in and around forests

Environmental functions and values

- Forest ecosystem health and vitality
- Habitats for biodiversity, carbon sequestration
- Soil and water conservation

Institutions and policy instruments

- National forest programmes
- Economic instruments and tax policies
- Forest assessment
- Institutional capacity
- Cross-sectoral policy harmonization
- International cooperation

20. The Forest Principles are considered to provide the fundamental basis for international forest policy dialogue. Therefore, for the purpose of initiating background discussion, the Forum may wish to consider using management, conservation and sustainable development (option 1) as a framework for identifying possible elements.

21. As a point of departure for identifying possible elements, it is suggested that the Forum draw upon the Forest Principles, the Panel's programme of work, and the IFF programme of work. In the table below, some of the elements included in those three instruments have been grouped within the above-identified framework of option 1. Whereas the listing in the table may not cover the entire agenda on forests, many of the elements are reflected in other arrangements, both legally binding and non-legally binding.

Table. Possible substantive elements within a framework based on the management, conservation and sustainable development of all types of forests

| Areas of concern for all types of forests | Elements | Forest Principles | Programme of work | |
|---|---|---|---|---|
| | | | IPF | IFF |
| Management | National forest programmes | 2(a), 2(b), 3(a), 5(a), 6(b), 6(d), 8(c), 8(d), 8(f), 8(g), 8(h), 9(c) | I.1 | I.a |
| | Criteria and indicators | 8(d) | III.2 | I.a, I.b |
| | Forest assessment | 2(c), 8(h), 12(a), 12(c) | III.1(a) | I.a, I.b |
| | Forest research | 12(a), 12(c) | III.1(c) | II.d(4) |
| | Rehabilitation of fragile ecosystems | 4, 8(b) | I.4, I.5 | II.d(3) |
| | Reforestation and afforestation | 6(d), 8(a), 8(b) | I.4, I.5 | II.d(8) |
| | Traditional forest-related knowledge | 5(a), 8(g) | I.3 | II.d(2) |
| Conservation | Forest conservation and protection | 7(b), 8(a), 8(f) | I.5 | II.d(3) |
| | Soil and water conservation/carbon storage and sequestration | 4 | I.1 | II.d(5), (6), (7) |
| | Biological resources and diversity | 8(g) | I.3, III.a | II.c, II.d(2) |
| | Recreation and tourism | 1(b) | | |
| | Cultural and spiritual values | 1(b), 5(a) | | |
| Sustainable development | Supply, demand, consumption and production | 4(b), 7(a) | III.1, II | II.d(7) |
| | Valuation of multiple benefits | 6(c), 9(a) | III.1(b) | II.d(5) |

.../...

| Areas of concern for all types of forests | Elements | Forest Principles | Programme of work | |
|---|---|---|---|---|
| | | | IPF | IFF |
| | Forest investment | 7(b), 10 | II | II.a, II.c |
| | Forest and forest products industry | 7(b), 15 | II, IV | II.a, II.c |
| | Access to and transfer of environmentally sound technologies | 7(c), 8(c), 8(g), 11 | II | II.c |
| | International trade in forest products and services | 13(a) | IV | II.b |
| | Market access | 9(a), 13(b), 14 | IV | II.b |
| | Certification | | IV | II.b |
| | Cost internalization | 13(c) | II, IV | II.a, II.b |
| | Employment | 1(b) | I.1 | II.c, II.d(6) |
| | Economic instruments, tax policies and land tenure | 5(a), 7(a), 7(b), 13(c), 13(d), 13(e) | I.2, II | II.d(6) |
| Institutions and policy instruments | International cooperation | 3(b), 7(b), 7(c), 10 | II, V.1 | II.a, II.e |
| | Institutional capacity-building | 3(a), 12(b), 12(d) | I.1, V.1 | II.e |
| | Education and training | 12(b) | I.1, III.1(c) | II.c, II.d(4) |
| | Participation by major groups and women | 1(d), 2(d), 5(a), 5(b) | I.1, I.3 | I.a, II.c |

## IV. BACKGROUND DISCUSSION AND PREPARATION OF THE REPORT FOR THE THIRD SESSION OF IFF

22. This note has proposed ways to approach the background discussion of category III and to prepare for the substantive discussion at the Forum's third session. It has presented a framework that could be used to systematize the identification of possible elements and provided examples of possible elements.

23. The Forum may wish to consider the following questions for the background discussion:

(a) Is the approach of using management, conservation, sustainable development, and institutions and policy instruments of all types of forests adequate as a framework to achieve the objectives of category III of the IFF's programme of work?

(b) Does the table reflect the priority concerns of countries in a comprehensive manner?

(c) Are there elements that might be added, deleted, or reformulated in preparation for the substantive discussion?

(d) What other issues need further analysis before the third session?

24. The substantive discussion will also be able to draw upon the following: the outcome of a government-led initiative hosted by Costa Rica, to be held in early 1999; and the report of the Secretary-General on category III, which will take into account the background discussion at the second session.

## Notes

[1] E/CN.17/IFF/1998/4.

[2] See Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992, vol. I, Resolutions Adopted by the Conference (United Nations publication, Sales No. E.93.I.8 and corrigenda), resolution 1, annex III, Non-legally Binding Authoritative Statement of Principles for a Global Consensus on the Management, Conservation and Sustainable Development of All Types of Forests.

[3] Ibid., annex II.

## Annex I

## SELECTED EXISTING ARRANGEMENTS AND MECHANISMS

### Legally binding

A. Global

1. Ramsar Convention on Wetlands of International Importance, Especially as Waterfowl Habitat

2. Convention for the Protection of the World Cultural and Natural Heritage

3. Convention for the Protection of the Ozone Layer

4. United Nations Framework Convention on Climate Change

5. Convention on Biological Diversity

6. United Nations Convention to Combat Desertification in Those Countries Experiencing Drought and/or Desertification, Particularly in Africa

7. Convention Concerning Indigenous and Tribal Peoples in Independent Countries

8. Convention on International Trade in Endangered Species of Wild Flora and Fauna

9. International Tropical Timber Agreement

10. General Agreement on Tariffs and Trade/World Trade Organization

B. Regional

11. Convention on Long-Range Transboundary Air Pollution

12. Treaty for Amazon Cooperation

13. Central American Convention on Forests

14. Lomé IV Convention

15. Alpine Convention

16. North American Free Trade Agreement

17. Treaty Establishing the Common Market for Eastern and Southern Africa

C. Treaty-based organizations

18. African Timber Organization (ATO)

19. Centre for International Forestry Research (CIFOR)

20. European Commission (EC)

21. International Monetary Fund (IMF)

22. International Tropical Timber Organization (ITTO)

23. Organization of American States (OAS)

24. Organisation for Economic Cooperation and Development (OECD)

25. Regional development banks:

    African Development Bank (AfDB)

    Asian Development Bank (ADB)

    Inter-American Development Bank (IADB)

    European Bank for Reconstruction and Development (EBRD)

26. United Nations

27. Food and Agriculture Organization of the United Nations (FAO)

28. United Nations Educational, Scientific and Cultural Organization (UNESCO): Man and the Biosphere Programme

29. World Bank

    International Finance Corporation (IFC)

    Multilateral Investment Guarantee Agency (MIGA)

30. World Trade Organization

    Committee on Trade and Environment

Non-legally binding

A. Organizations and forums

1. Asia Pacific Economic Cooperation (APEC)

2. Association of South-East Asian Nations (ASEAN)

3. International Boreal Forest Research Association (IBFRA)

4. International Center for Agroforestry Research (ICRAF)

5. International Center for Plant Genetics (ICPG)

6. Intergovernmental Panel on Climate Change (IPCC)

7. International Undertaking on Plant Genetic Resources (IUPRG)

8. International Union for Conservation of Nature (IUCN)

9. International Union of Forestry Research Organizations (IUFRO)

10. South Pacific Forum

B. Initiatives, processes and other political commitments

11. United Nations programmes (created by the General Assembly or FAO)

United Nations Development Programme (UNDP)

United Nations Environment Programme (UNEP)

United Nations Conference on Trade and Development (UNCTAD)

World Food Programme

FAO regional commissions

12. Agenda 21

Chapter 11. Combating deforestation

13. Non-legally Binding Authoritative Statement of Principles for a Global Consensus on the Management, Conservation and Sustainable Development of All Types of Forests (Forest Principles)

14. Commission on Sustainable Development

Intergovernmental Forum on Forests (IFF)

15. Criteria and indicators for sustainable forest management

ITTO

Pan-European Helsinki Process (Helsinki Declaration)

Montreal Process Working Group (Santiago Declaration)

Tarapoto Proposal

Central America Initiative

Dry Zone Africa Initiative

Near East Initiative

African Timber Organization

16. Global Environment Facility (GEF)

Climate change and biodiversity windows

17. G-7 Pilot Programme to Conserve the Brazilian Rain Forest (PPG 7)

18. G-8 Forest Action Programme

19. Plan of Action for the Sustainable Development of the Americas

Annex II

SUBSTANTIVE ELEMENTS IN THREE INTERNATIONAL LEGALLY BINDING INSTRUMENTS

| Arrangement/mechanism | Substantive elements |
|---|---|
| Central American Treaty | Protected areas |
| Status: Legally binding | Agricultural issues |
| Scope: Regional | Rehabilitation of primary and secondary forest |
| | Reforestation |
| | Fuelwood |
| | Management of primary natural forests, buffers |
| | Forest inventory |
| | National funds |
| | Investment, credit access |
| | International financial cooperation |
| | National resource accounting |
| | Illegal traffic and trade |
| | Public participation |
| | Institutional capacity |
| | Sectoral, intersectoral coordination |
| | National action plans |
| | Environmental assessment |
| | Technical capacity and training |
| | Applied research |
| | Enforcement |

| | |
|---|---|
| International Tropical Timber Organization | International trade in tropical timber |
| Status: Legally binding | Economic information |
| Scope: Tropical forests | Market statistics |
| | Reforestation, rehabilitation |
| | Forest management |
| | Lesser-known and lesser-used species |
| | Human resource development |
| | Product development and marketing |
| | Nomenclature and specifications |
| | Technical assistance and cooperation |
| | Transfer of technology and knowledge |
| | Investments and joint ventures |
| | Financial resources |
| Convention on Biological Diversity | Conservation and sustainable use |
| Status: Legally binding | Identification and monitoring |
| Scope: Global | In-situ and ex-situ conservation |
| | Sustainable use of components |
| | Incentive measures |
| | Research and training |
| | Public education and awareness |
| | Impact assessment |
| | Access to genetic resources |
| | Access to and transfer of technology |
| | Exchange of information |
| | Technical and scientific cooperation |
| | Biotechnology and benefit distribution |
| | Financial resources |

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